

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re:)	MDL No. 1456
)	Civil Action No. 01-12257-PBS
)	
PHARMACEUTICAL INDUSTRY)	Subcategory No. 06-11337
AVERAGE WHOLESALE PRICE)	
LITIGATION)	
_____)	
)	
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-Care of</i>)	Judge Patti B. Saris
<i>the Florida Keys, Inc., by and through its principal</i>)	
<i>officers and directors, Zachary T. Bentley and</i>)	
<i>T. Mark Jones v. Actavis Mid Atlantic LLC, et al.</i>)	

**JOINT NOTICE OF SETTLEMENT OF VEN-A-CARE CLAIMS AS TO THE TEVA
PARTIES AND REQUEST THAT COURT DISMISS SETTLED CLAIMS IN
ACCORDANCE WITH STIPULATION OF DISMISSAL WITH PREJUDICE OF TEVA
PARTIES AND MOTION FOR ORDER OF DISMISSAL WITH PREJUDICE**

Ven-A-Care of the Florida Keys, Inc. (the “Relator”) and Teva Pharmaceuticals USA, Inc., Ivax Corporation, Ivax Pharmaceuticals, Inc., Duramed Research, Inc., Zenith Goldline Pharmaceuticals, Inc., Goldline Laboratories, Inc., Barr Pharmaceuticals, Inc., and Barr Laboratories, Inc. (collectively, “Teva”) hereby notify the Court that they have reached a comprehensive settlement, of all matters between them, in the above action under the *qui tam* provisions of the federal False Claims Act, 31 U.S.C. § 3729, *et seq.* The Relator and Teva have filed herewith their Stipulation of Dismissal with Prejudice attached to which are copies of the fully executed Settlement Agreement and Release (Exhibit A) and the proposed Order of Dismissal With Prejudice (Exhibit B). The Relator and Teva jointly request that the Court consent to the dismissal pursuant to 31 U.S.C. §3730(b)(1) and enter the proposed Order of Dismissal With Prejudice and further state as follows:

- 1.) The Settlement also encompasses settlements of the Relator's companion state *qui tam* claims relating to Florida, Texas and California. This Court's approval of the Settlement and entry of the proposed Order of Dismissal with Prejudice is a condition to the settlement as to Florida, Texas and California as well as to settlements reached with certain other government plaintiffs.
- 2.) Florida and Texas have joined in the Settlement and the United States and California have given their consents in the forms specified as Exhibits 6 and 7 of the Settlement Agreement. The Relator has been instructed by the United States and California to file their executed consents with the Court upon Teva's deposit of the agreed one hundred and sixty nine million dollar (\$169,000,000) into the escrow account provided for in the Settlement. Teva has now fully funded the escrow account and the Relator will file the consents with the Court.

Wherefore, the Relator and Teva request that the Court consent to the settlement and dismissal and enter the Order of Dismissal with Prejudice in accordance with the parties' Stipulation filed herewith.

Respectfully submitted,

/s/ James J. Breen
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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing document, filed this 9th day of August, 2010 via the Court's ECF system, will be sent electronically by the ECF system to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 9, 2010.

/s/ James J. Breen
James J. Breen